

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY Ag D.C.
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PHILLIP E. BOYNTON, et al.,)

Plaintiffs,)

v.)

HEADWATERS, INC., et al.,)

Defendants.)

No. 02-1111 M1/An

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

ORDER FOLLOWING PRETRIAL CONFERENCE

Per the Court's September 1, 2005, pre-trial conference, the Court hereby issues the following rulings:

The Petition for Writ of Habeas Corpus ad Testificandum by Defendant Davidson, filed August 30, 2005, is GRANTED. Counsel will revise the writ and submit the final writ to the prison upon the Court's acceptance.

Plaintiffs' Motion for Continuance filed August 30, 2005, is GRANTED in part and DENIED in part. The trial will begin on Wednesday, September 7, 2005, with jury selection to begin at 9:30 a.m. Opening statements will be heard on Thursday, September 8, 2005.

Opening statements will be limited to 45 minutes for Plaintiffs, 30 minutes for Defendant Davidson, and 1 hour for Defendant Headwaters.

-1-

401

Defendant Davidson's Motion in Limine Relating to his Personal Appearance at Trial, filed August 30, 2005, is GRANTED.

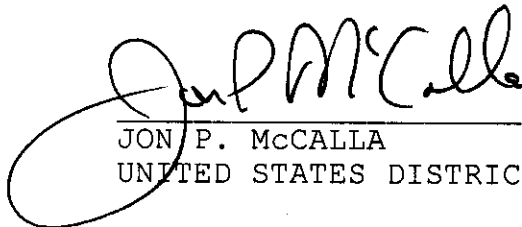
The Court will review Defendants' proposed Jury Questionnaire and will submit to the parties no later than September 2, 2005 at 12:00 p.m. The parties will submit any objections to the questionnaire promptly by Tuesday, September 6, 2005 at 9:00 a.m.

Plaintiffs' Motion for Admission Pro Hac Vice of Guy Nicholson filed August 29, 2005, is DENIED as moot.

Defendant Headwaters' Motion (1) for Bifurcation of the Punitive Damages Claim; and (2) in Limine to Exclude any Evidence of or Reference to Headwaters' Financial Condition or Net Worth, filed August 26, 2005, is GRANTED. Plaintiffs' claim for punitive damages is bifurcated into separate liability and damages phases. Plaintiffs are precluded from offering evidence of or referencing Headwaters' net worth during the liability phase of the trial.

Other pending matters in this cause are reserved for final determination at the start of the trial.

So ORDERED this 1 day of September, 2005.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 401 in case 1:02-CV-01111 was distributed by fax, mail, or direct printing on September 2, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT